



44 MONTGOMERY, SUITE 400  
SAN FRANCISCO, CA 94104-4606  
415.989.5900  
FAX 415.989.0932

WALNUT CREEK  
SACRAMENTO  
LOS ANGELES

[www.cbmlaw.com](http://www.cbmlaw.com)

November 19, 2007

Jeffrey H. Belote  
Direct Dial: 415.743.2209  
jbelote@cbmlaw.com

The Honorable Susan Y. Illston  
United States District Court-Northern Div.  
Courtroom 10, 19th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

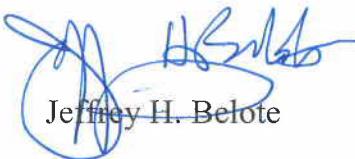
**Re: *Phillips v. Diamond, et al.***  
**USDC; Action No. C07-3305 SI**

Dear Judge Illston:

Please be advised that all parties have now agreed to private mediation before Judge Richard Silver (Ret.) and are respectfully requesting the Court inform the Court-appointed mediator, Mr. Bruce Winkelman.

Very truly yours,

CARROLL, BURDICK & McDONOUGH LLP



Jeffrey H. Belote

JHB:kb

cc: John W. Howard, Esq. (via email)